

67. (New) A method according to claim 16 including the further step of using a dynamic filter representing constraints of conformational variations which the molecules must satisfy in order to exhibit said anti-viral activity.

68. (New) A method according to claim 17 including the further step of using a dynamic filter representing constraints of conformational variations which the molecules must satisfy in order to exhibit said anti-parasitic activity.

69. (New) A method according to claim 18 including the further step of using a dynamic filter representing constraints of conformational variations which the molecules must satisfy in order to exhibit said immunomodulatory activity.

70. (New) A computer aided method according to claim 3 wherein the learning set is comprised on the one hand of immunomodulatory peptides and on the other of inactive peptides known to be devoid of said immunomodulatory activity.

71. (New) A computer aided method according to claim 70 wherein the synthesised molecule is a peptide.

72. (New) A computer aided method according to claim 70 wherein the synthesised molecule is a peptoid.

Remarks

Responsive to the Office Action of September 15, 2000, the applicants elect, with traverse, the claims of Group I (which refer to static filters) for further prosecution in the above referenced application. In addition, the applicants elect "immunomodulators" in response to the species requirement.

Reconsideration and withdrawal of the restriction requirement are requested in view of the following comments.

The claims have been amended so that claim 1 refers to the use of static filters, with the reference to the alternate use of the dynamic filters being deleted from claim 1. Claim 2 is

dependent upon claim 1 and refers to the additional step of using a dynamic filter. Claim 3 is not amended, and refers to the use of a static filter and a dynamic filter.

Claims 1 and 2 as amended still fall within group I identified by the Examiner, since claim 2 is dependent upon claim 1 and requires all the features of claim 1 in relation to static filters plus the additional step of dynamic filtering. Originally filed claims 12 to 20, of Group I have been amended in line with the amendments to claims 1 and 2. These are now claims 12 to 20 plus new claims 66-72.

Applicants submit that the claims of groups II (claims 3 to 11) and claims of Group III (claims 21-47) identified by the Examiner also relate to the same invention as the claims of Group I. In this regard it is also pointed out that the text of claim 3 and claims 21, 25, 29, 33, 37 and 41 are essentially the same, but with claims 21, 25, 29, 33 and 37 specifying the type of activity of the molecule which the method designs.

The invention relates to a computer-aided method which uses static filters for the design of molecules, as specified in the current claim 1. The claims of Group II (e.g. claim 3) and Group III (e.g., claim 21 as filed; claim 26 of the amended set) refer to a method in which a static filter is used followed by a dynamic filter. Such subject matter was previously recited in claim 1 and now is recited in claim 2, both of which the Examiner placed in Group I. Applicants have invented a method of designing a molecule which uses a static filter. Applicants are entitled to claims which relate to a method which uses a static filter and which include further method steps, such as the use of a dynamic filter.

Restriction is only proper where the Examiner would be unduly burdened by searching numerous, unrelated inventions or technologies. Thus, the scope of a search for related inventions, even if considered burdensome, cannot justify restriction of the related inventions. Groups I, II and III have been classified in the same class and subclass. Therefore there is no undue burden placed upon the Examiner to search claims of groups I, II and III.

In addition, Applicants respectfully submit that the claims of group V (claims 52 to 58) represent the same invention as those of Group I. Claim 52, for example, is dependent upon claim 1, and comprises the additional steps of selecting the molecule and synthesising the molecule. The invention lies in the method of designing the molecule rather than in the method of synthesis of the selected molecule. Since methods of synthesis are known *per se*, the search is limited to the features of claim 1, and again the Examiner would not be unduly burdened.

Furthermore, the Examiner's restriction requirement for group IV is improper. Claims 48-51 are presented as dependent claims which the Examiner has classified in group IV. However, these claims depend indirectly from Independent Claim 41 which the Examiner has classified in Group III. Claim 41 is directed to a computer-aided method of designing molecules exhibiting immunomodulatory activity whereas dependent claim 48 is directed to a molecule exhibiting a desired behaviour obtained by such method. Accordingly, it is not proper to group dependent claim 48 in one group and base independent claim 41 in another group. Withdrawal of this rejection is solicited.

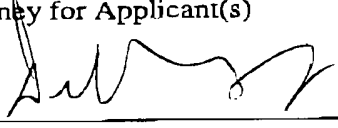
If Applicants are forced to divide out this application into five separate applications as a result of the restriction requirement imposed by the Examiner, Applicants will be unduly and unfairly burdened with the excessive fees and costs associated with prosecuting and maintaining multiple patents (as contrasted with a single patent).

The Examiner is respectfully solicited to reconsider and withdraw the restriction requirement between Groups I, II, III, IV and V.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorney for Applicant(s)

By


DONALD R. PIPER, JR.
PTO Registration No. 29,337

Telephone (215) 563-4100

Facsimile (215) 563-4044

Enclosures: Transmittal Sheet (in dup)
Check in the amount of \$172.00
Postcard